



[Billing Code 6570-01]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities: Proposed Collection; Submission for OMB Review: Elementary-Secondary Staff Information Report.

AGENCY: Equal Employment Opportunity Commission

ACTION: Final Notice of Submission for OMB Review -- Extension Without Change

SUMMARY: In accordance with the Paperwork Reduction Act (PRA), the Equal Employment Opportunity Commission (EEOC or Commission) hereby gives notice that it has submitted to the Office of Management and Budget (OMB) a request for a three-year extension of an existing collection (Elementary-Secondary Staff Information Report (EEO-5). On July 2, 2012, the EEOC published a notice stating it was requesting approval from OMB for a revision to the previously approved EEO-5 under the PRA's emergency processing procedures. 77 FR 39238 (July 2, 2012). At that time, EEOC requested approval to revise the race and ethnicity categories on the EEO-5 report to conform to OMB's *Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity*. OMB has approved the revised EEO-5 through February 2013. EEOC is now requesting a regular extension without change of the revised EEO-5. The Commission has requested an extension of an existing collection as listed below.

DATES: Written comments on this notice must be submitted on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION].

ADDRESSES: Comments on this final notice must be submitted to Chad A. Lallemand, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Room 10235, New Executive Office Building, Washington, DC 20503 or electronically mailed to Chad_A_Lallemand@omb.eop.gov. A copy of this ICR and applicable supporting documentation submitted to OMB for this review may be obtained from: Ronald Edwards, Director, Program Research and Surveys Division, 131 M Street NE, Room 4SW30F, Washington, DC 20507.

Copies of comments should be sent to Bernadette Wilson, Acting Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street, NE, Washington, DC 20507. As a convenience to commenters, the Executive Secretariat will accept comments totaling six or fewer pages by facsimile ("FAX") machine. This limitation is necessary to assure access to the equipment. The telephone number of the fax receiver is (202) 663-4114. (This is not a toll-free number).

Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663-4070 (voice) or (202) 663-4074 (TTD). (These are not toll-free telephone numbers.)

Instead of sending written comments to EEOC, you may submit comments and attachments

electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments. All comments received through this portal will be posted without change, including any personal information you provide.

Copies of comments submitted by the public to EEOC directly or through the Federal eRulemaking Portal will be available for review, by advance appointment only, at the Commission's library between the hours of 9:00 a.m. and 5:00 p.m. EST or can be reviewed at [http:// www.regulations.gov](http://www.regulations.gov). To schedule an appointment to inspect the comments at EEOC's library, contact the library staff at (202) 663-4630 (voice) or (202) 663-4641 (TTY). (These are not toll-free numbers.)

FOR FURTHER INFORMATION CONTACT: Ronald Edwards, Director, Program Research and Surveys Division, 131 M Street, NE, Room 4SW30F, Washington, DC 20507; (202) 663-4958 (voice) or (202) 663-7063 (TTY).

SUPPLEMENTARY INFORMATION: A notice that EEOC would be submitting this request was published in the Federal Register on October 29, 2012 allowing for a 60-day public comment period. There were no comments received from the public.

Overview of Information Collection

Type of Review: Extension--No change

OMB Control NO.: 3046-0003

Collection Title: Elementary-Secondary Staff Information Report (EEO-5)

Frequency of Report: Biennial

Type of Respondent: Certain public elementary and secondary school districts

Description of Affected Public: Certain public elementary and secondary school districts

Number of Responses: 6,190

Estimated Burden Hours: 15,475

Cost to the Respondents: 0

Federal Cost: \$190,000

Number of Forms: 1

Form Number: EEOC Form 168A

Abstract: Section 709 (c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-8(c), requires employers to make and keep records relevant to a determination of whether unlawful employment practices have been or are being committed, to preserve such records, and to produce reports as the Commission prescribes by regulation or order. Accordingly, the EEOC issued regulations, Title 29, Chapter XIV, Subpart F, § 1602.39-45, prescribing the reporting requirements for elementary and secondary public school districts. The EEOC uses EEO-5 data to investigate charges of employment discrimination against elementary and secondary public school districts. The data also are used for research. The data are shared with the Department of Education (Office for Civil Rights) and the Department of Justice. Pursuant to Section 709(d) of Title VII of the Civil Rights Act of 1964, as amended, EEO-5 data also are shared with state and local Fair Employment Practices Agencies (FEPAs).

When the EEO-5 form was previously approved by OMB in April 2012, it utilized the following race and ethnicity categories: White, Black, Hispanic, Asian or Pacific Islander, and American Indian or Alaska Native. OMB has recently approved use of a revised EEO-5 form through February 2013. The revised form utilizes the following race and ethnicity categories: Hispanic or Latino; White; Black or African American; Asian; Native Hawaiian or Other Pacific Islander; American Indian or Alaska Native; and Two or More Races. EEOC is now requesting a regular extension without change of the revised EEO-5 Form.

Burden Statement: The estimated number of respondents included in the biennial EEO-5 survey is 6,190 public elementary and secondary school districts. The form is estimated to impose 15,475 burden hours biennially.

Dated: _January 31, 2013_

For the Commission

Jacqueline A. Berrien
Chair

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